



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-168	Contact	Jenn Reed Moses, jmoses@duluthmn.gov
Application Type	Vacation of Street Easement	Planning Commission Date	February 10, 2015
Deadline for Action	Application Date	January 28, 2015	60 Days March 29, 2015
	Date Extension Letter Mailed	February 3, 2015	120 Days May 28, 2015
Location of Subject	Oakland Avenue		
Applicant	Regents of the University of Minnesota	Contact	Kelley Brandt, brand571@umn.edu
Agent	Erik Larson	Contact	elarson@d.umn.edu
Legal Description	See Attached		
Site Visit Date	N/A	Sign Notice Date	January 27, 2015
Neighbor Letter Date	January 30, 2015	Number of Letters Sent	19

Proposal

Proposal to vacate an undeveloped portion of Oakland Avenue from Maryland Street to 1/2 block south of Worth Street, maintaining a utility easement over a 20' portion running from 1/2 block north of Worth Street to 1/2 block south of Worth Street.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/R-2	Undeveloped	Institutional, Traditional N'hood, Preservation
North	R-1	Residential	Traditional Neighborhood, Preservation
South	R-2	University	Institutional
East	R-1	University, Undeveloped	Urban Res., Traditional N'hood, Preservation
West	R-2	University, Undeveloped	Institutional, Traditional N'hood, Preservation

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #7: Create and maintain connectivity.

- Future Land Use - Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.
- Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.
- Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Applicant is also applying for the following vacations in the proximate geographic area: Worth Street (PL 14-166), Bayview Avenue (PL 14-167).

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) The Oakland Avenue right of way stretches from St. Marie Street on the south to Maryland Street on the north. It is the only remaining right of way in this area extending this far from north to south; right of way for several blocks in each direction has been previously vacated. It is the only right of way west of Carver Avenue that connects the University area to the residential neighborhood to the north.
- 2.) UMD owns all abutting property. This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, but will result in a dead-end at University property.
- 3.) A gas line runs through part of the right of way. Applicant proposes that a utility easement be retained to service the gas line.
- 4.) The City of Duluth is currently planning the Duluth Traverse Trail; one alternative for this trail uses the Oakland Avenue right of way. As the remaining stretch of right of way in this area, there is the potential for other pedestrian and trail uses in this area. Staff believes this right of way is needed or will be needed for the safe and efficient circulation of bicycles or pedestrians and the efficient supply of utilities or public services in the City.
- 5.) City Engineering has stated the vacation and utility easement are acceptable. City Parks noted the request for a possible alignment for the Duluth Traverse Trail. No other City, public, or agency comments were received.
- 6.) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process, after City Council approval.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend City Council deny the request for a vacation of Oakland Avenue, for the following reasons:

- 1.) The vacation will result in a dead-end street.
- 2.) The right of way is or may be needed for pedestrian or bicycle purposes.
- 3.) The right of way is needed for utility purposes.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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PL 14-166, 167, & 168
Vacations
UMD

Trout Stream (GPS)

Trout Stream (GPS)

- Other Stream (GPS)

ROW_STATUS

Vacated ROW

Right-of-Way Type

***** Road or Alley ROW

Easement Type

Utility Easement

Other Easement

Titleholder (6 class)

Tax Forfeited

City

School _____

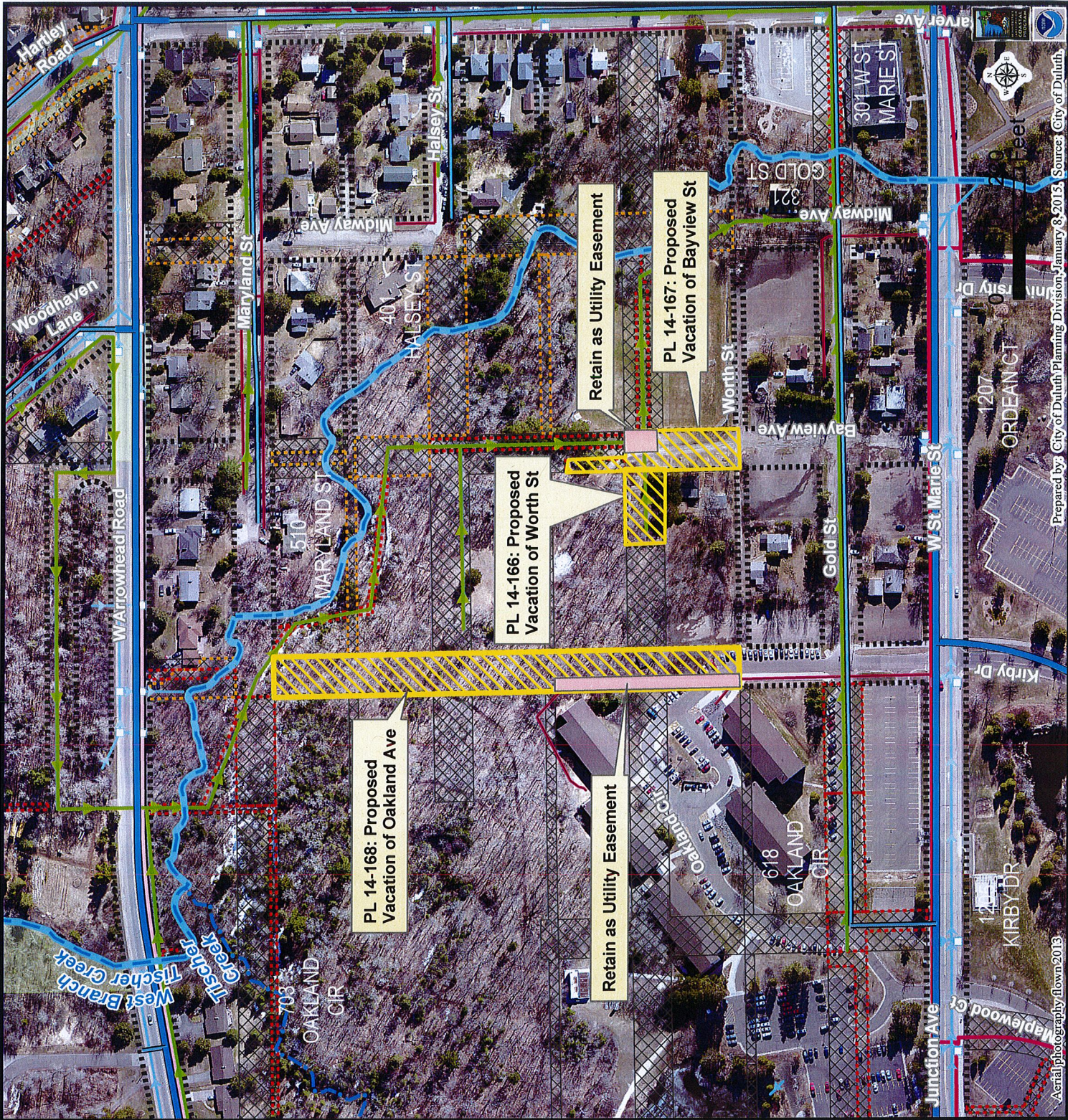
County

State

Federal

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County, State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, January 8, 2015. Source: City of Duluth.

VACATION EXHIBIT - Oakland Avenue - Oakland Park Division

ARROWHEAD ROAD



Scale (in Feet)
0' 50' 100' 200'

Legal Description of Vacation:

That portion of Oakland Avenue (fka Grand Avenue) in the plat of Oakland Park Addition which lies between the south line of Maryland Street (fka James Street) and the extension of the southern line of Block 22 Oakland Park Addition.

AND

Legal Description of Utility Easement to be Retained:

The western most 20 foot strip of said vacated Oakland Avenue (fka Grand Avenue) which lies between the extension of the northern line of Block 20 and the extension of the southern line of Block 21 Oakland Park Addition is to be retained for utility easement purposes.

Legend:

Portion to be vacated is shown as:

Portion to be vacated with utility easement retained is shown as:

Vacated areas:

(1972 / 79-710R / 80-822R / 83-0040R / 02-0216R / 12-0444R)

Existing utility easement:
(1950 Easement)

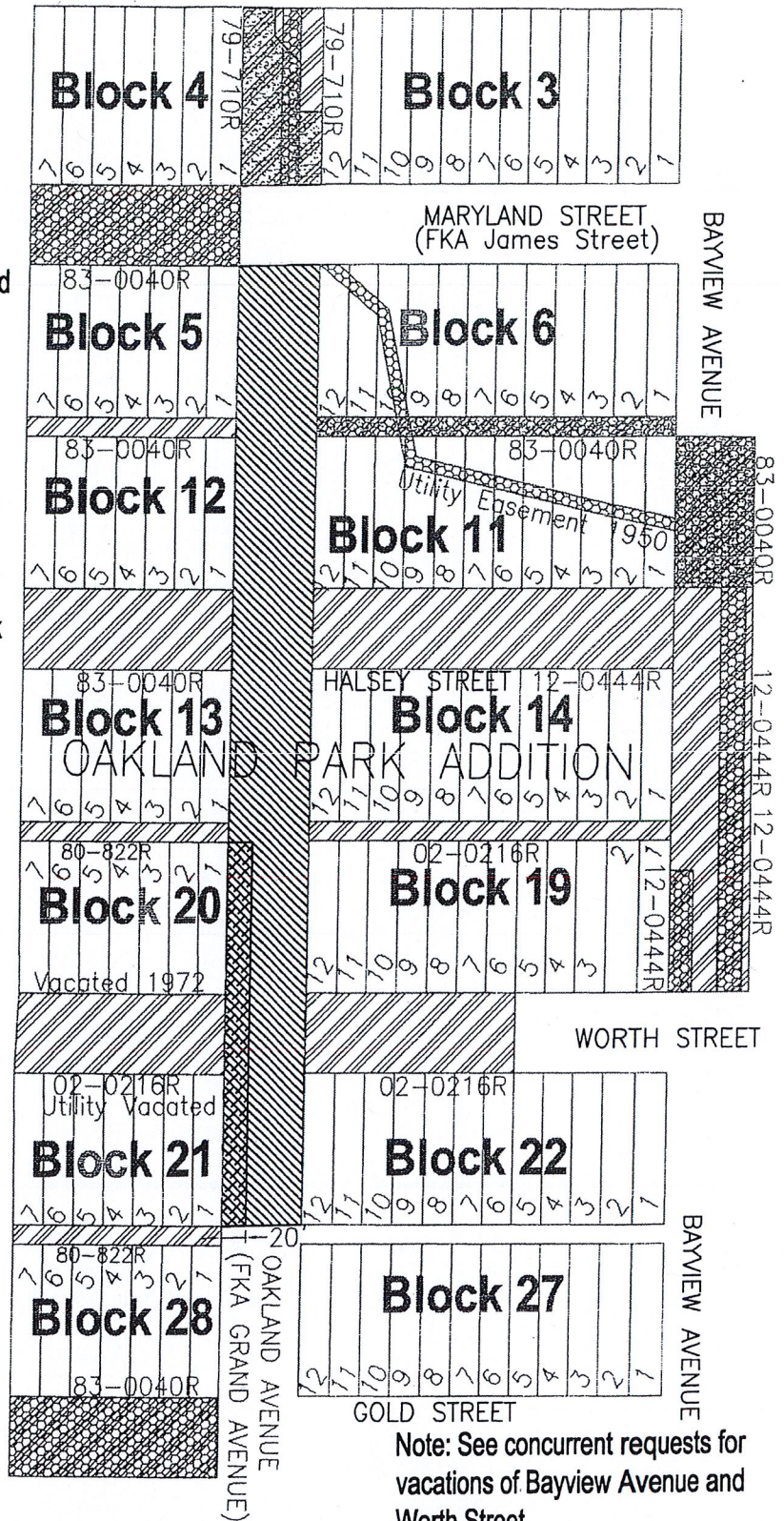
Vacated area with utility easement retained:
(83-0040R / 12-0444R)

Vacated area with utility / pedestrian easement retained:
(79-710R / 83-0040R)

Vacated area with pedestrian easement retained:
(79-710R)

Approved by the City Engineer of Duluth, MN

Date: 1-28-15 by:



Note: See concurrent requests for vacations of Bayview Avenue and Worth Street.

This document was created under my direct supervision:

John Rashid - Acting Director
UMD Facilities Management

Date

1/28/15

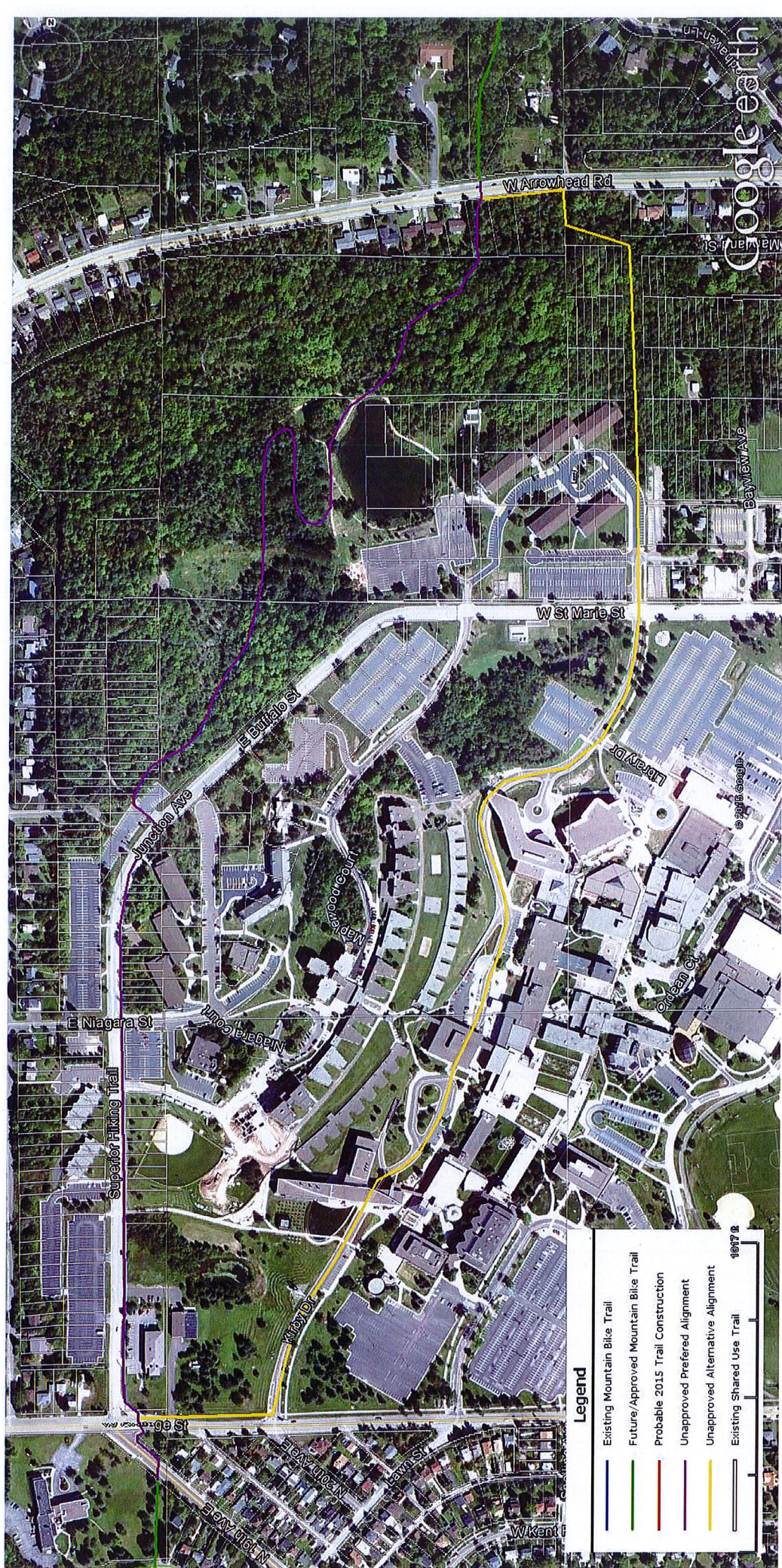
University of Minnesota Duluth
Facilities Management

241 Darland Administration Building
1049 University Drive
Duluth, Minnesota 55812-2496
218-726-8262

Vacation of Oakland Avenue from the southern line of Maryland Street to the extension of the southern line of Block 22, Oakland Park Addition.

For: Regents of the University of Minnesota

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Legend

- Existing Mountain Bike Trail
- Future/Approved Mountain Bike Trail
- Probable 2015 Trail Construction
- Unapproved Preferred Alignment
- Unapproved Alternative Alignment
- Existing Shared Use Trail

10/17/12

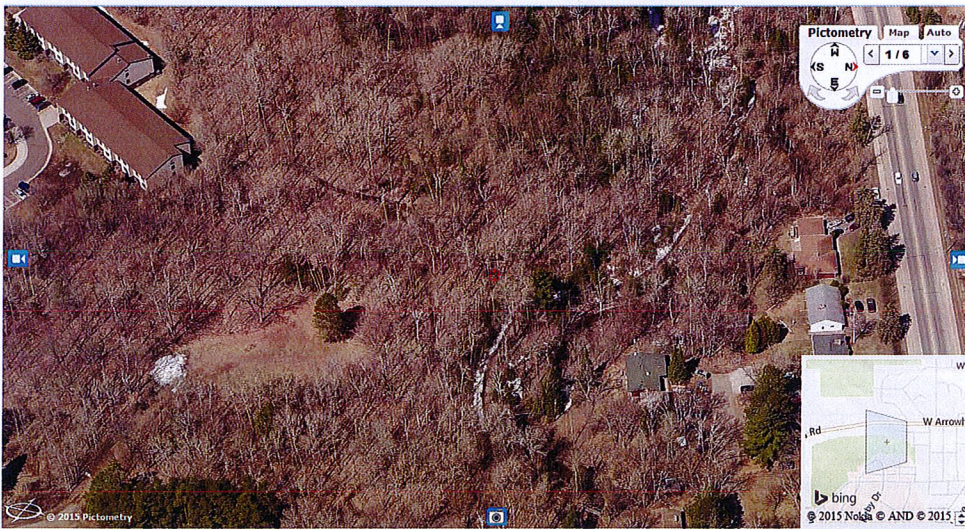
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Oakland Avenue

Site Photos



View from northwest



View from east



View from south

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